

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

CHRISTOPHER HELALI,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No. 2:21-cv-00141-cr
)	
ZIPPORAH LEGARDE and PETER)	
SOELLER,)	
)	
<i>Defendants.</i>)	

**PLAINTIFF’S MOTION TO DISMISS THE CASE AGAINST
DEFENDANT ZIPPORAH LEGARDE WITH PREJUDICE**

Plaintiff Christopher Helali (“Plaintiff” or “Mr. Helali”), by and through his undersigned counsel, hereby moves pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure to dismiss the case against Defendant Zipporah Legarde (“Ms. Legarde”) with prejudice. This Motion is based on the following Memorandum of Law. Mr. Helali states respectfully as follows:

MEMORANDUM OF LAW

On June 1, 2021, Mr. Helali, a Vermont citizen, filed his Complaint (Doc. 1) in this diversity-of-citizenship defamation action against Ms. Legarde, then a citizen of Massachusetts, and Mr. Peter Soeller, a citizen of Connecticut (Doc. 1, ¶¶ 1, 6-8). Ms. Legarde was served personally with the Summons and Complaint on June 7, 2021 (Doc. 2). Mr. Soeller is currently in default (Doc. 9).¹

¹ Mr. Helali filed a Rule 41(a)(1)(A)(i) Notice of Dismissal Without Prejudice as to Mr. Soeller. See Doc. 46 (Oct. 3, 2023).

On August 19, 2022, Ms. Legarde filed for Chapter 13 bankruptcy in the United States Bankruptcy Court for the Eastern District of Pennsylvania (Doc. 42). See also In re Legarde, No. 22-12184-AMC, 2023 WL 6035596, at *1 (Bankr. E.D. Pa. Sept. 14, 2023), hereafter cited as “Legarde.”

On March 23, 2023, Mr. Helali, Ms. Legarde and Ms. Legarde’s husband, Frank Cardillo Jr. (“Mr. Cardillo”) attended an online video mediation session in the Chapter 13 bankruptcy case. Legarde, 2023 WL 6035596, at *2.

At the conclusion of the March 23rd mediation session, Mr. Helali, Ms. Legarde and Mr. Cardillo signed a Settlement Term Sheet. Legarde, 2023 WL 6035596, at *2.

Pursuant to the Settlement Term Sheet, and among other settlement terms, Mr. Helali agreed to dismiss his Vermont defamation lawsuit against Ms. Legarde. Legarde, 2023 WL 6035596, at *2, *10, *12.

On April 17, 2023, Mr. Helali filed a Bankruptcy Court motion to enforce the Settlement Term Sheet (“Motion to Enforce”). Legarde, 2023 WL 6035596, at *3.

On July 24, 2023, Mr. Helali filed a Bankruptcy Court motion to approve the Settlement Term Sheet pursuant to Bankruptcy Rule 9019 (“Rule 9019 Motion”). Legarde, 2023 WL 6035596, at *5.

On September 14, 2023, the Bankruptcy Court granted Mr. Helali’s Motion to Enforce and his Rule 9019 Motion. Legarde, 2023 WL 6035596, at *13.

The fourteen-day deadline to appeal Legarde has expired and no appeals or deadline-tolling motions were filed. See Fed. R. Bankr. P. 8002.

WHEREFORE, Plaintiff Christopher Helali respectfully requests that this Court dismiss this case against Defendant Zipporah Legarde with prejudice.

DATED at Burlington, Vermont this 3rd day of October, 2023.

Respectfully submitted,

MSK ATTORNEYS

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